



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Healthy Homes and Lead Hazard Control

Special Attention of:

Multifamily HUB/PC Directors
PIH HUB Directors
All Secretary's Representatives
All State Coordinators
All Housing Authorities
All CPD Division Directors
All Home Participating Jurisdictions
All CDBG Grantees
Tribes and Tribally
Designated Housing Entities

Notice: OHHLHC -01-05

Issued: August 3, 2001

Expires: January 10, 2002

Cross Reference:

65 Federal Register 54858,
September 11, 2000 and 66
Federal Register 18285,
April 6, 2001

SUBJECT: Final Extension to the Transition Assistance Period for
HUD's Lead Safe Housing Regulation.

PURPOSE: This Notice explains how jurisdictions which previously submitted a transition implementation plan extension request to HUD may obtain a final additional time period to build capacity to comply with the new lead paint regulation. For those jurisdictions requesting more time, an updated transition implementation plan must be submitted to HUD no later than September 10, 2001. An automatic extension of the existing transition assistance period from August 10, 2001 to September 10, 2001 is in effect for those jurisdictions that applied for the previous extension lasting from April 10 to August 10, 2001, to ensure that those jurisdictions have enough time to update their Transition Implementation Plans. No submittal is needed to cover the time period from August 10, 2001 to September 10, 2001. HUD is providing this additional time to promote coordination among state and local agencies. During this period, program participants must continue to comply with HUD's lead-based paint regulations that were effective before September 15, 2000. HUD will assume that a jurisdiction that does not submit an updated transition assistance plan has the capacity to comply with HUD's new lead-based paint regulation at 24 CFR Part 35. Because it has been nearly two years since the regulation was first published on September 15, 1999, and because HUD has conducted nationwide training, no further extensions will be issued beyond January 10, 2002.

BACKGROUND: On September 15, 1999, HUD published a new regulation (24 CFR Part 35) streamlining, modernizing and consolidating all lead-based paint requirements in federally assisted housing and housing being sold by the federal government to ensure that children are adequately protected from lead poisoning. To enable those covered by the regulation to prepare for its implementation, the regulation took effect one year later, on September 15, 2000. On September 11, 2000 (just before the

effective date), HUD published a policy to aid in the transition to the new regulation. That policy provided a 6-month transition period to those jurisdictions that submitted a Statement of Inadequate Capacity and a Transition Implementation Plan to HUD. The submissions documented the jurisdictions' need to build capacity to meet the rule's requirements. See the Federal Register, Volume 65, p. 54858, September 11, 2000 for further details on HUD's lead-based paint transition assistance policy.

The first transition assistance period expired on March 15, 2001. HUD provided a second transition assistance period on March 5, 2001 (see the Federal Register on April 6, 2001 at 66 FR 18285), which will expire on August 10, 2001.

In response to state and local requests, HUD has funded nationwide training to build capacity in lead-safe work practices for workers performing rehabilitation or maintenance in Federally assisted housing as well as other training for risk assessors, abatement contractors and workers. In addition, many jurisdictions have conducted their own training to build capacity as needed.

TRANSITION IMPLEMENTATION PLAN: Despite substantial progress since the regulation took effect on September 15, 2000, there may still remain some jurisdictions that lack capacity in one or more disciplines in one or more programs. Therefore, HUD will conclude that compliance is still not feasible for certain specified programs when jurisdictions provide an acceptable updated Transition Implementation Plan. The updated Transition Implementation Plan must demonstrate good faith efforts to build capacity and include all of the following:

1. A list of programs where compliance is now feasible.
2. A list of disciplines (e.g., lead-safe maintenance worker, rehabilitation worker, risk assessor, sampling technician, abatement worker) where capacity is now adequate.
3. A statement that capacity is not adequate to comply with the regulation, listing the applicable program(s) and discipline(s).
4. An updated Transition Implementation Plan matrix including the number of individuals currently available and needed for each discipline and program area.
5. A short narrative description of activities undertaken to coordinate with the state lead paint certifying agency (or, in states without a lead certification program, with the applicable EPA Regional Lead Coordinator), and/or health departments, including a statement that the certifying agency was contacted for a list of certified persons (if

such persons were needed).

6. A short narrative description of how the jurisdiction will link trained individuals to housing programs.
7. A short narrative description of activities undertaken to coordinate resources in nearby jurisdictions.
8. A list of all training activities that have been or will be completed as of January 10, 2002, including the number of people trained in each discipline and their names.
9. A list of training courses that are scheduled in the next several months, the entity offering the course and a contact name, address and phone number for the training provider.
10. For jurisdictions with a HUD lead hazard control grant program starting before January 1, 2000, a statement signed by the administrator of the lead grant program describing why the program has not built adequate capacity.
11. Supply a name and contact information, including the name of the agency where he or she works, of a person who will serve to coordinate any HUD-funded lead-based paint training in the jurisdiction. For a State submittal, this should be a state employee assigned to serve in this training coordinator role. For a non-state submittal (city or county), the jurisdiction should appoint someone to serve in this capacity.

SIGNATURES FOR THE TRANSITION IMPLEMENTATION PLAN: The updated Transition Implementation Plan must be signed by the following:

For entitlement jurisdictions in cities, counties and tribes: The chief elected official of the jurisdiction, or **both** the head of the agency that submits the Consolidated Plan to HUD and the head of the local health department. In states that do not have an EPA authorized state program, the EPA regional office overseeing the lead certification program shall be sent a copy no later than the time of submission. In states that do have an EPA authorized program, the state office administering the program shall be sent a copy no later than the time of submission. (See "Further Information" below for the addresses for EPA regional offices and EPA - authorized state programs.)

For non-entitlement areas of states: The Governor, or **both** the head of the agency administering the EPA-authorized state lead paint certification program and the head of the agency submitting the Consolidated Plan to HUD. In states that do not have an EPA-authorized state program, the head of the state health department shall sign along with the head of the agency submitting the consolidated plan; the EPA regional office overseeing the lead

certification program shall be sent a copy no later than the time of submission. If a public housing agency in a non-entitlement area does not know which agency and employee to contact in the state government regarding the status of the extension request, they may obtain the information from the Lead Paint Compliance Assistance Center toll-free at 1-866-HUD-1012.

A submission will not be processed if it lacks any of the signatures and Transition Implementation Plan elements required above.

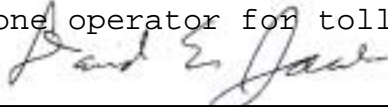
POSTMARKED DATE: The updated Transition Implementation Plan must be postmarked no later than September 10, 2001 and sent to:

David Jacobs, Director
Office of Healthy Homes and Lead Hazard Control
U.S. Department of Housing and Urban Development
451 Seventh St. SW, P-3206
Washington, DC 20410

Unless HUD receives an updated Transition Implementation Plan with a postmark dated no later than September 10, 2001, HUD will conclude that the jurisdiction now has capacity to protect children in federally assisted housing and that all programs will comply with the regulation.

If the updated Transition Implementation Plan includes all the elements listed in this Notice, the Department will conclude, after review, that compliance is not feasible for the applicable programs and/or disciplines in that jurisdiction. No further extensions will be provided beyond January 10, 2002.

FURTHER INFORMATION: Further information on lead-based paint regulation transition assistance (including a sample transition implementation plan matrix), training courses, and related issues is available at www.hud.gov/offices/lead. A list of the phone numbers and addresses for EPA Regional Lead Coordinators is available at www.epa.gov/lead/leadoff1.htm or through the National Lead Information Clearinghouse toll-free at 1-800-424-LEAD. (The 14 States and two territories that do not have a lead certification program as of August 3, 2001, are: AK, AZ, FL, GU, HI, ID, MT, NV, NM, NY, ND, SC, SD, VI, WA, WY.) Questions may be directed to the Lead Paint Compliance Assistance Center toll-free at 1-866-HUD-1012. (Note: Some local telephone exchanges may have difficulty accessing this phone number. In such a case, contact your local telephone operator for toll-free access).



David E. Jacobs
Director, Office of Healthy Homes
and Lead Hazard Control